

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

Case No. 2:15-MD-02641-DGC

This Document Relates to Plaintiff(s)

Mohamed Mahmoud Ebeid - CV-16-03265-PHX-DGC
Larome C. Meadows - CV-17-03011-PHX-DGC
Jacqueline C. Williams - CV-18-01179-PHX-DGC

**RESPONSE IN OPPOSITION TO DEFENDANT’S REQUEST TO DISMISS CASES IN
EXHIBIT G OF THE PARTIES’ JOINT NOTICE REGARDING REVISED EXHIBITS
FOR SETTLEMENT AND NON-SETTLEMENT TRACK CASES**

COMES NOW the Plaintiffs captioned above, by Counsel, and respectfully requests that this Honorable Court deny the Defendant’s request to dismiss cases outlined in Exhibit G of the Parties’ Joint Notice Regarding Revised Exhibits for Settlement and Non-Settlement Track Cases (the “Notice”) as it relates to the above captioned Plaintiffs. The sanction of dismissal would be disproportionate to any burden faced by Defendants as a result of these Plaintiffs’ claimed non-compliance, and would cause undue prejudice to the Plaintiffs in this case. In support of this request, Plaintiffs state the following;

On July 26, 2019, Defendants filed the Parties Joint Notice Regarding Revised Exhibits for Settlement and Non-Settlement Track Cases. Mohamed Mahmoud Ebeid, Larome C. Meadows, and Jacqueline C. Williams, the “Plaintiffs”, were listed in Exhibit G of the Notice. In their Notice, Defendants asserted that cases listed in Exhibit G failed to properly serve complaints on the Defendants, and requested that those cases be dismissed as a result of this alleged failure. Plaintiffs’ Complaints have now been properly served, by email, as shown in “Exhibit 1”. Further,

the Plaintiffs named in this Motion have all timely served Plaintiff Profile Forms, “PPFs”, see “Exhibit 2”, “Exhibit 3”, and “Exhibit 4”. Plaintiff Ebeid’s PPF was served on November 22, 2016, Plaintiff Meadow’s PPF was served on November 3, 2017, and Plaintiff Williams’ PPF was served on June 15, 2018. As a result of receiving these PPFs Defendants were on notice that Plaintiffs had filed claims, and were provided with specific information regarding products implanted and injuries alleged in each case, as well as medical records supporting the same.

Plaintiffs respectfully submit that Defendants were on notice of Plaintiffs claims and have now been properly served with complaints in each case. Accordingly, there is no just cause to dismiss their claims.

Respectfully submitted,

/s/ C.J. Cuneo
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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2019, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court’s electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court’s system.

/s/ C.J. Cuneo